

EXHIBIT 7



May 13, 2025

VIA ELECTRONIC MAIL

United States Department of Justice
Environmental and Natural Resources Division
Law and Policy Section
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
Paul Cirino
Paul.Cirino@usdoj.gov

**Re: NOTICE OF WAI OLA'S CHALLENGE TO DEFENDANTS' DCRIT DESIGNATIONS
(SET TWO); 1:22-cv-00272-LEK-RT**

Dear Counsel,

Please find Exhibit A attached which provides the second set of documents with confidentiality designations that Plaintiff Wai Ola Alliance ("Wai Ola") intends to challenge. To facilitate prompt production of documents, the Parties negotiated, and the court ordered, a Protective Order. Dkt. no. 81. To date, the US Department of the Navy ("Navy") has produced a total of 1,421 documents responsive to discovery requests served by Wai Ola. Approximately 1,059 of the produced documents are labeled as "Subject to Protective Order- Highly Confidential," which designates those documents as DCRIT (Dep't of Defense Critical Infrastructure Security Information) and subject to confidentiality requirements under the Protective Order.

On April 11, 2025 Wai Ola brought its first challenge to the DCRIT designation of 29 documents produced by the Navy over the course of fact discovery. Wai Ola now brings a second challenge to the DCRIT designation of the 160 documents listed in Exhibit A hereto pursuant to paragraph 12 of the Protective Order. Wai Ola has found no clear basis under the Protective Order for maintaining the confidentiality of these documents.

Wai Ola seeks to resolve these issues promptly in light of upcoming motion practice and trial, to ensure only a narrow set of documents are filed under seal pursuant to the Court's order on 14 March 2025 that any information that does not implicate national security is publicly filed. *See* Dkt. No. 170. Should the Navy decline to re-designate the listed documents as non-DCRIT or justify the current designation, this letter shall serve as written notice of Wai Ola's intent to bring a motion to challenge the designation of the DCRIT Documents, and Wai Ola accordingly requests a meet and confer to discuss the basis for its challenge. Protective Order ¶ 12(b).

I. Basis for Plaintiffs' Challenges to DCRIT Designations

Exhibit A, attached, provides each DCRIT designated document Wai Ola challenges, as well as the basis for the challenge, premised on one or more of the below factors, each of which renders the Navy's DCRIT designation inappropriate and inapplicable:

- (1) Documents that contain information no longer current or up to date and thus do not implicate current vulnerabilities in Department of Defense infrastructure;
- (2) Documents that contain information otherwise publicly available and thus do not reveal vulnerabilities in critical infrastructure that has not been previously revealed or available elsewhere;
- (3) Documents that contain maps or site-specific information for infrastructure that is no longer in use by the Department of Defense and thus does not implicate national security concerns;
- (4) Documents that contain information, such as maps or location details, for infrastructure visible to the military personnel and civilian contractors with daily access the Red Hill facility; and
- (5) Documents that contain information that weighs in favor of public disclosure where the potential harm from release of designated information is not substantiated.

We are available to meet and confer at the following times:

- Monday May 19 at 2 pm EST - 6pm EST
- Tuesday May 20 at 11:30 am EST - 6pm EST
- Wednesday May 21 at 11: 30 am EST – 6pm EST

We look forward to your response.

Sincerely,

/s/ Kristina Hambley
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cc.

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